

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to residential care facilities for children

The Human Services Department hereby amends Chapter 115, “Licensing and Regulation of Comprehensive Residential Facilities for Children,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 237.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 237.3.

Purpose and Summary

Chapter 115 was reviewed as part of the Department’s five-year review of rules. This chapter outlines the licensing and regulation standards for comprehensive regulations of residential care facilities for children. Changes include updating language regarding additional contact time requirements with caseworkers per provider requests. Language regarding the use of chemical restraints is removed. Expanded documentation requirements regarding the use of the control room are aligned with other chapters.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 25, 2023, as **ARC 6838C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on March 9, 2023.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on June 1, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend subparagraph **115.4(2)“a”(3)** as follows:

(3) ~~At least one additional hour per week per~~ Additional contact as needed with each caseworker in other related duties including case intake discussions, staffings of cases, evaluations of the caseworker, teaching, and administrative duties.

ITEM 2. Amend rule **441—115.5(237)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section ~~237C.3~~ 237.3.

ITEM 3. Amend subrule 115.6(2) as follows:

115.6(2) *Secure facilities.* Secure facilities may use physical restraints, a control room, locked cottages, and mechanical restraints, ~~and chemical restraints.~~

ITEM 4. Amend paragraph **115.7(2)“c”** as follows:

c. Require documentation in writing of the types of behaviors leading to control room placement and the conditions that will allow the child to return to the living unit. The child shall be informed of these conditions. Documentation of control room use shall include, but not be limited to, the following:

- (1) Each use of the control room.
- (2) The time the intervention began and ended.
- (3) The reason that required the resident to be put in the control room.
- (4) The name(s) of staff involved in the intervention.

[Filed 3/12/23, effective 6/1/23]

[Published 4/5/23]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/5/23.